

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

YANIRA SANTIAGO SANTIAGO et al.

v.

FORD MOTOR COMPANY

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U.S. DISTRICT COURT
SAN JUAN, P.R.
CASE NUMBER: 98-1493 (DRD)

ORDER

The Court hereby rules as follows:

<u>Docket No.</u>	<u>Ruling</u>	<u>Title</u>
11	DENIED	Defendant Ford Motor Company's motion for reconsideration and to set aside the May 17, 1999, faxed Order, May 18, 1999
14	NOTED	Motion concerning Ford Motor Company's motion for reconsideration, June 22, 1999
15	NOTED	Motion concerning Ford Motor Company's pending motion for reconsideration and Ford's continued inability to obtain agreed discovery, July 14, 1999
17	DENIED	Petition for leave to file reply to plaintiff's opposition to defendant's motion, July 22, 1999

Regarding the above motions:

The Court has reevaluated defendant's motions concerning Plaintiffs' delay in complying with discovery and finds that dismissal of the instant action is NOT warranted at this time. While Plaintiffs' conduct merits the Court's reprimand, the Court finds that it does not reach the level of egregiousness that would justify dismissal. See Damiani v. Rhode Island Hosp., 704 F.2d 12, 17 (1st Cir. 1983) (district courts have discretion to dismiss suits for failure to comply with discovery); Estate of Solis-Rivera v. U.S., 993 F.2d 1 (1st Cir. 1993) (extreme misconduct and finding that no lesser sanction but dismissal is appropriate is prerequisite to dismissal for failure to comply with discovery). Plaintiffs, however, have been forewarned and the Court warns them again that further delays in complying with discovery will result in the imposition of sanctions which may include dismissal of the complaint. Initial scheduling conference is set for January 25, 2000, at 5:00 p.m. Counsel are referred to the accompanying Order for instructions regarding said conference.

IT IS SO ORDERED.

DATE: December 18, 1999



DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

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